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AUG 3 0 2006

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FACSIMILE TRANSMISSION COVER SHEET

DATE:

August 30, 2006

TO:

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RE:

U.S. Patent Application No. 10/577,791

Entitled: Dose-Dependent Promoter Originating in Humans

Our Ref.: 3190-094

FROM:

Luke A. Kilyk, Esq.

FAC. TEL. NO.:

1-571-273-8300

NUMBER OF PAGES (INCLUDING THIS COVER SHEET):

Items Attached: Supplemental Information Disclosure Statement -- 2 pages

Form PTO/SB/08a — 1 page

Cited Document - 5 pages

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-8300 on August 30, 2006.

Kim Blum

Name (Print)

Signature

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Kim Blum
Name (Print)
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: YOKOTA et al.

Application Number: 10/577,791

Application Number: 10/577,791

Filed: April 28, 2006

Docket No.: 3190-094

Customer No.: 33432

For: DOSE-DEPENDENT PROMOTER ORIGINATING IN HUMANS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR 1.97(b)

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

August 30, 2006

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO/SB/08. Pursuant to the current United States Patent and Trademark Office rules, no copies of U.S. Patents/Patent Application Publications are provided.

This Supplemental Information Disclosure Statement is being submitted before issuance of an Office Action on the merits and before any Final Office Action or Notice of Allowance.

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application,

PAGE 03

Supplemental Information Disclosure Statement

U.S. Patent Application No. 10/577,791

and that the documents cited in the attached Form PTO/SB/08 be made of record therein and appear

on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists

and does not constitute an admission that each or all of the listed documents are material or

constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in

this application and applicant determines that the cited documents do not constitute "prior art" under

United States law, applicant reserves the right to present to the office the relevant facts and law

regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of

the disclosed invention over the listed documents, should one or more of the documents be applied

against the claims of the present application.

It is believed that no fee is required to make this a complete and timely filing. However, if it

is determined that a petition or fee is required, the Commissioner is hereby authorized to charge any

fee associated with this statement to our Deposit Account No. 50-0925.

Respectfully submitted,

Atty. Docket No.: 3190-094

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Enclosures:

Form PTO/SB/08, w/1 Document

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PTO/SB/08b (07-05)
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A Laborator Aldebato				Complete if Known		
Substitute for form 1449B/PTO				Application Number	10/577,791	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Filing Date	April 28, 2006	
				First Named Inventor	YOKOTA et al.	
				Art Unit	Unassigned	
				Examiner Name	Unassigned	
Sheet	(Use as many siree as nec	of	1	Attorney Docket Number	3190-094	

		NON PATENT LITERATURE DOCUMENTS	
Examiner	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
		English translation of International Preliminary Report on Patentability and Written Opinion of the International Searching Authority for PCT/JP2004/018100 mailed August 3, 2008.	
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Examiner	<u> </u>	Date	
Signature		Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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